

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GEORGE HART,

Plaintiff,

v.

OFFICER RUSSELL E. WHITE JR. #13770,  
OFFICER JESUS CANO #13648, OFFICER  
KRAGNYCKWJ #15153, OFFICER JEFFREY  
J. ZWIT #10336, OFFICER LUIS VEGA  
#13853, UNKNOWN OFFICERS, and the  
CITY OF CHICAGO,

Defendants.

JUDGE ST. EVE  
MAGISTRATE JUDGE BROWN

No. 08-c-761

**AGREED MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT AND FOR  
AN EXTENSION OF TIME TO RESPOND TO DEFENDANT CITY OF CHICAGO'S  
MOTION TO BIFURCATE**

NOW COMES the Plaintiff GARY HART, by and through his attorneys, Horwitz,  
Richardson, & Baker LLC, and states the following in support of his Agreed Motion for Leave to  
File an Amended Complaint and for an Extension of Time to Respond to Defendant City of  
Chicago's Motion to Bifurcate:

1. This is a 42 U.S.C. § 1983 case wherein Plaintiff is alleging that on January 1, 2007,  
he was falsely arrested by City of Chicago police officers. At the time of filing the initial  
Complaint, Plaintiff was unsure if police report included the names of all of the officers  
responsible for his false arrest; thus, Plaintiff named "UNKNOWN OFFICERS."

2. After initial discovery, Plaintiff believes that the named officers, OFFICER  
RUSSELL E. WHITE JR. #13770, OFFICER JESUS CANO #13648, OFFICER JEFFREY J.  
ZWIT #10336, and OFFICER LUIS VEGA #13853, are the individuals responsible for his arrest

and Plaintiff seeks leave to amend the Complaint to terminate OFFICER KRAGNYCKWJ #15153 and the parties listed as “UNKNOWN OFFICERS.”

3. Lastly, Plaintiff’s counsel and counsel for the City of Chicago, Megan McGrath, have come to an agreement regarding the City’s Motion to Structure Discovery. Counsel for both parties have agreed to enter into a stipulation regarding the structuring of the *Monell* discovery in this case, obviating the need to litigate the City’s Motion to Structure Discovery. The agreement is contingent upon the termination of “UNKNOWN OFFICERS” from this cause.

4. Plaintiff’s Amended Complaint (Exhibit A) contains no allegations against unknown officers, therefore, if this Court grants Plaintiff leave to file an Amended Complaint, the parties will enter into a stipulation regarding the *Monell* discovery. Plaintiff’s counsel believes that the parties will be able to enter into a stipulation within ten days of filing the Amended Complaint. Therefore, Plaintiff requests an extension to May 23, 2008 to respond to the City’s Motion to Structure Discovery.

WHEREFORE, Plaintiff prays that this Court grant Plaintiff’s Motion for Leave to File an Amended Complaint so as to terminate the above mentioned parties and for an Extension of Time to Respond to the City of Chicago’s Motion to Structure Discovery to allow the parties time to enter into a stipulation regarding *Monell* discovery.

s/ Erica Faaborg  
Erica Faaborg, Esq.  
Horwitz, Richardson, and Baker, LLC  
20 S. Clark, Suite 500  
Chicago, IL 60603  
Tel: 312-676-2100  
Fax: 312-372-7076  
Erica.lobh@gmail.com